

HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

TUESDAY

SEPTEMBER 8, 2009

7:00 P.M.

• 5:45 pm – FINANCE COMMITTEE MEETING

A. CONSENT AGENDA

1. SIGNATURES

- a. Treasurer's Warrants

2. SECRETARY'S REPORTS

- a. August 17, 2009

3. COMMUNICATIONS

- a. Pine Tree Notice – 8/17/09
- b. MRC Update – Economic Impacts to Waste Disposal Costs
- c. Hampden Academy Groundbreaking – 9/9/09
- d. MMA – Insurance Dividend - 2009

4. REPORTS

- a. Transfer Station Statistics – 8/22 & 8/23
- b. Host Community Benefit Payment – Pine Tree – July 2009

B. PUBLIC COMMENTS

C. POLICY AGENDA

1. PUBLIC HEARINGS

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

3. UNFINISHED BUSINESS

- a. Request for Proposal – BEAR Program – Planning & Development Committee Recommendation

NOTE: The Council will take a 5-minute recess at 8:00 pm.

- b. "Institution Building Definition" – Planning & Development Committee Recommendation
- c. "Conditional Uses in Commercial Services District" – Recommendation to Council to Refer to Planning Board – Planning & Development Committee

4. NEW BUSINESS

- a. Goodwill Riders – Snowmobile Trail
- b. Application for Renewal of Outdoor Wood-burning Furnace License received from Patrick Audet, 381 Main Road North
- c. Application for Renewal of Liquor License received from Bangor Tennis & Recreation Club, 60 Mecaw Road

D. COMMITTEE REPORTS

E. MANAGER'S REPORT

F. COUNCILORS' COMMENTS

G. ADJOURNMENT

TOWN COUNCIL MINUTES**August 17, 2009**

The regularly scheduled meeting of the Hampden Town Council was held on Monday, August 17, 2009. The meeting was held at the municipal building council chambers and was called to order by Mayor Arnett at 7:00 p.m.

Attendance: Councilors: Mayor Matthew Arnett, Andre Cushing, Thomas Brann, William Shakespeare, and Janet Hughes; Shannon Cox and Jean Lawlis were excused

Town Manager: Susan Lessard

Town Counsel: Thomas Russell

Department Heads/Staff: None

Members of Boy Scout Troop 1776

Mayor Arnett welcomed members of Boy Scout Troop 1776, who are working on their Citizenship & Community Merit Badge. Those present this evening were Scoutmaster Curt Slininger, and Scouts Alex Charette, Adam Colter, Seth Erickson and Sr. Patrol Leader Ben DiSalvatore.

A. CONSENT AGENDA

Treasurer's Warrants were reviewed and signed by the Finance Committee at their meeting earlier in the evening. Motion by Councilor Shakespeare, seconded by Councilor Cushing to accept the balance of the Consent Agenda – unanimous vote in favor.

B. PUBLIC COMMENTS

There were none.

C. POLICY AGENDA**1. PUBLIC HEARINGS****a. MAYO ROAD RECONSTRUCTION – ORDINANCE TO SEND TO REFERENDUM**

Infrastructure Committee Chair Brann explained that the Council had authorized an engineering study and plan to reconstruct the Mayo Road because there is a significant potential hazard for pedestrians and vehicles travelling the road. This Ordinance authorizes appropriation and

borrowing of funds not to exceed \$2,300,000.00 and if approved, will be sent to referendum in November for voter approval.

Mayor Arnett explained the procedure for the public hearing and then opened the hearing.

Proponents: none; Opponents: none

General Questions or Comments: Cathy DiSalvatore of 43 Coolidge Avenue asked what the specific hazards with the Mayo Road are. Councilor Brann explained that it is a very narrow road and has no sidewalks. It is a major through-road used on a regular basis and when originally designed, it was intended for a much lighter traffic load. Manager Lessard further explained that the repairs will add underground drainage, sidewalks and paved shoulders, while staying within the Town's existing right-of-way. Councilor Shakespeare also noted that an increase in traffic is anticipated once the new high school is built.

The hearing was closed.

Motion by Councilor Cushing, seconded by Councilor Brann to adopt the proposed language to be placed on the November 2009 ballot – unanimous vote in favor.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS

a. NOMINATION PAPERS FOR NOVEMBER 3, 2009 MUNICIPAL ELECTION

Town Clerk Denise Hodsdon reported that Nomination Papers are available for the November Municipal Election for the positions of Councilor At-Large, SAD #22 Board of Directors and Water District Board of Trustees. The deadline for filing papers with the Clerk is September 3, 2009.

3. UNFINISHED BUSINESS

a. SET TAX RATE FOR 2009/2010

Manager Lessard reported that the Town's valuation base is \$565,894,880.00 and with the 2010 budget as adopted, she informed the Council that the mil rate would need to be between \$15.82 and \$16.61, depending on how large an overlay the Council wished to have. She recommended setting the rate at \$15.90, the same as last year. She noted that the resulting overlay of \$46,164.81 is conservative, but she believes that should be sufficient to address any valuation challenges that result in tax abatements.

Motion by Councilor Brann, seconded by Councilor Cushing to set the mil rate at \$15.90 – unanimous vote in favor.

4. NEW BUSINESS

a. APPLICATION FOR RENEWAL OF VICTUALER'S LICENSE
RECEIVED FROM HIGHLANDS CORNER MARKET, 557
KENNEBEC ROAD

It was noted that a public hearing was not required as the applicant has had a license for more than five years.

Motion by Councilor Shakespeare, seconded by Councilor Brann to approve the application for renewal of a Victualer's License for Highlands Corner Market – unanimous vote in favor.

b. APPLICATIONS FOR RENEWAL OF OUTDOOR WOOD-BURNING
FURNACE LICENSES

1. Gary Thibodeau, 665 Western Avenue
2. Scott Stanhope, 99 Emerson Mill Road
3. Richard Golding, 156 Mayo Road
4. Rodney Stanhope, 540 Western Avenue

Mayor Arnett read the list of applicants for the record.

Motion by Councilor Brann, seconded by Councilor Hughes to approve all four applications – unanimous vote in favor.

D. COMMITTEE REPORTS

Councilor Brann reported that the Infrastructure Committee will meet on Monday August 24th at 6:00 pm. He also reported that the Comprehensive Planning Committee met recently and has forwarded the current draft of the Plan to the Council and recommended a schedule for completing public review.

Councilor Cushing reported that the Planning & Development Committee will meet on August 19th at 6:00 pm. He further reported that the Communications Committee is once again broadcasting some new shows on Cable Channel 7. Councilor Cushing also reported that the Committee on Committees met approximately three weeks ago and outlined what areas need to be reviewed. No date has been set for the next meeting.

Manager Lessard reported that the Finance Committee met earlier and reviewed and signed the Treasurer's Warrants. The Committee discussed the tax rebate program for long-term seniors. The program would cost approximately \$48,000 and the Committee has determined that the program can not be supported at this time.

E. MANAGER'S REPORT

A copy of the Manager's Report is attached hereto.

Manager Lessard further reported that the employee barbecue was well-attended. Employees with ten or more years of service were recognized and presented with certificates and pins. She remarked that the Town has 56 full-time employees and 25 of those employees have been with the Town more than ten years.

She also reported that the Town received an invitation to the groundbreaking for the new high school on September 9th at 4:00 pm. There is also a neighborhood meeting for Hampden Academy Phase I on August 26th at 5:00 pm at the Hampden Academy Old Gym.

Mayor Arnett noted that Councilors Cox and Lawlis were absent and both had asked to be excused. Motion by Councilor Cushing, seconded by Councilor Hughes to excuse Councilor Cox and Councilor Lawlis – unanimous vote in favor.

F. COUNCILOR'S COMMENTS

Councilor Cushing commended all the folks who worked to make the 30th Annual Children's Day a success. He said he was pleased to see Bion and Dorain Foster at the parade.

Councilor Shakespeare reminded everyone that a walk-through of Dorothea Dix Park is scheduled for this Wednesday evening at 6:00 pm. He pointed out that there is a conflict in that the Planning & Development Committee meeting is scheduled for the same time. It was suggested that a second walk-through of the park could possibly be scheduled for a later date. Councilor Shakespeare also welcomed the Boy Scouts and challenged them all to obtain their Eagle.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:48 p.m.

A handwritten signature in cursive script that reads "Denise Hodsdon".

Denise Hodsdon
Town Clerk

MANAGER'S REPORT

August 17, 2009

Assessor News – I am sad to report that our Assessor, Vivian Gresser, has announced plans to retire as of 12/31/09. It is my intention to advertise for a replacement shortly. This will be a critical replacement for us and I want to have made a selection before Vivian actually retires.

Elwyn Brewer Reception – Tuesday, August 18th at 6 p.m. there is a reception for retiring firefighter Elwyn Brewer who has served 45 years with the call fire department. It is being held in the Community Room of the Public Safety Building. It would be great if Council members could attend to show support.

Children's Day Success – From all reports, Children's Day attendance was the highest in recent memory. The weather could not have been more perfect. Thanks to all the hardworking volunteers who made the day go so smoothly.

Stormwater Booth – American Folk Festival – There are still shifts available for volunteers to work at the American Folk Festival at the Regional Stormwater Education booth. You can talk to Bob Osborne about it if you are interested.

Team Denise – Team Denise, the team that walked in the Race For the Cure in Bangor last September, is walking again this year. Flyers are available for sign up in the Town Office if anyone wishes to participate on our Team. We raised over \$7000 last year. You can also see Vivian Gresser, the Assessor, who is our team captain.

Tax Liens – Liens for unpaid 2008/2009 taxes are being placed this week. I am happy to report that we are placing fewer liens this year. We are placing 68 liens this year for a total of \$ 99,432.20, last year we placed 72 liens with a principal amount of \$116,224.06. Considering that our commitment for 2008/2009 was nearly \$300,000 higher than the prior year – this is a really good statistic for us, particularly in light of the way that the economy has been. We have less than 1 percent of taxes going to lien that is the lowest amount and the lowest percentage in the 9 years I have been here. Hats off to Tax Collector Cheryl Johnson for her hard work.

Conversions, conversions, conversions... Beginning the first payroll week in September we will have all employees paid through direct deposit. This saves the town time and money – and simplifies recordkeeping for check reconciliation purposes as well. We have also completed changing our health insurance coverage which will be effective 9/1/09 also. In addition, the change in Maine State Retirement System offerings have resulted in a host of plan changes there too. Finance and Human Resource Officer Janie Pitcher has done a huge amount of work to insure that all of these changes are smooth and seamless for the employees. Janie is also working on an Employee Handbook which will be provided to the Planning and Development Committee in the near future for review. Its purpose is to outline all the information that any employee of the Town should have about our hiring practices, our pay and benefit structures, and the 'rules of the road' for employment here.

4-3-a



August 17, 2009

Ms Susan Lessard
Town of Hampden
106 Western Ave
Hampden, ME 04444-1428

Dear Ms Lessard,

Casella Waste Systems and the Pine Tree Landfill have had the pleasure of serving Maine communities for many years. Throughout this time, we have provided cost effective and environmentally secure solid waste disposal services. As you may be aware, the Pine Tree Landfill located in Hampden, is currently undergoing the final stages of closure and is due to officially close December 31, 2009.

With this impending closure, we are pleased to offer Maine communities discounted disposal rates as well as related transportation services. Any "new" tons of contaminated soil and building demolition debris will be given this special price. This is a great opportunity to take care of those projects that have been put-off due to budget constraints.

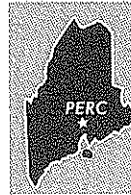
To take advantage of this opportunity, please feel free to contact me directly at 207-862-4200 ext 224.

Regards,

A handwritten signature in black ink, appearing to read "WAB", is located below the "Regards," text.

Wayne Boyd
General Manager
Pine Tree Landfill

■ 40 Harlow Street
■ Bangor, ME 04401-5102



MRC
Municipal Review Committee, Inc.

A-3-b
800-339-6389
207-942-6389 ■ Voice
207-942-3548 ■ Fax
glounder@emdc.org ■ E-mail

TO: Charter Municipalities
FROM: Greg Louder 
DATE: August 17, 2009
RE: **Potential Impacts of Economic Downturn on MSW Disposal Costs**

In light of the current economic downturn leading to general declines in solid waste generation, attention to management of municipal solid waste (MSW) deliveries to PERC has taken on a renewed importance for the MRC membership/Charter Municipalities. In the first half of 2009, waste deliveries to PERC by the Charter Municipalities declined 5,815 tons, or 6.1 percent, compared to the same period last year. Should this trend continue, some Charter Municipalities could be at risk to pay penalties at the end of 2009 in cases where actual waste deliveries fall below the contracted Guaranteed Annual Tonnage (GAT).

This memorandum was prepared to inform you of this trend of general decline in waste deliveries and to offer the MRC's availability to work with your community to assess potential impacts of the economic downturn on your MSW disposal costs and what may be done to address any potential adverse impacts. To initiate this effort to work together on this issue, the MRC is documenting local management methods used by some Charter Municipalities so they can be compiled and shared with all Charter Municipalities. Please contact me if you are interested in sharing with all the Charter Municipalities your local policy/management approach to arranging for the delivery of MSW generated within your borders to PERC.

Background on Guaranteed Annual Tonnage (GAT)

Each Charter Municipality established a GAT waste delivery commitment in their waste disposal agreements with PERC. This GAT figure was typically set at a level that accounts for all of the MSW generated within their borders from normal residential, commercial and institutional sources. These GAT waste delivery commitments initially enabled the facility to obtain financing on favorable terms and also supported a favorable restructuring of the waste disposal agreements for the Charter Municipalities in 1998. More importantly, these GAT waste delivery commitments position the PERC facility to operate economically, efficiently and at capacity – all which has led to the stable net \$45.00 and \$54.00 per ton disposal cost structure enjoyed by the Charter Municipalities without any increase since 1998.

Short-term issues in MSW Deliveries v GAT

Charter Municipalities manage waste collection service, transfer stations and work with local waste haulers in a variety of ways to ensure that all MSW generated within their borders is delivered to PERC and credited toward their GAT. MRC invites you to

contact us regarding MSW generation and deliveries trends in your community. We would be pleased to work with you to evaluate your solid waste management program policies and practices with focus on managing risk and maintaining control over costs.

Long-term considerations regarding GAT and Waste Flow Management

The current arrangements between the Charter Municipalities and PERC, which have ensured an affordable, long term and environmentally sound solid waste disposal option for many years, expire in 2018. It sounds like a long way away, but it's not – and the planning process is starting now. If the arrangement is to be extended, the MRC and Charter Municipalities will need to engage in a concerted and coordinated planning effort. A key element of this coordinated effort will be a continued long term commitment of municipalities to manage MSW waste flows generated from the residential, commercial and institutional sectors within their borders. We also need to consider how to alleviate any sudden changes in disposal costs that might occur at the point of transition from the existing arrangement to whatever replaces it.

The MRC Board has been addressing aspects of this effort in each of its quarterly Board meetings. The MRC Board will be holding a special meeting in the near future that, among other things, will address how the Charter Municipalities will be brought into the planning process. Watch for information on this process in the near future, and let us know if you are interested in actively participating in the planning process.

If you have any questions about the above, or if your community faces changes in its solid waste generation rates or deliveries to PERC, please contact Greg Louder at 800-338-6389 or 942-6389.

We look forward to working with you.

Maine School Administrative District No. 22

24 Main Road North • Hampden, Maine 04444 • Phone (207) 862-3255 • Fax (207) 862-2789

4-3-C

RICHARD A. LYONS
Superintendent of Schools
rlyons@sad22.us

EMIL P. GENEST
Assistant Superintendent
for Business
egenest@sad22.us

August 18, 2009

Susan Lessard
Town Manager
Hampden Town Office
106 Western Ave.
Hampden, ME 04444

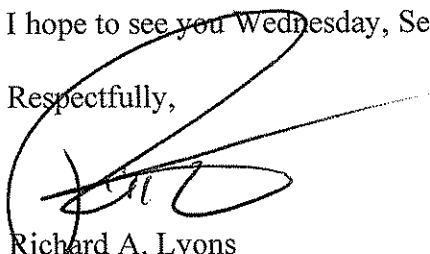
Dear Sue:

The groundbreaking ceremony for our new Hampden Academy is set for Wednesday, September 9, at 4:00 p.m. The ceremony will be held on the multi-purpose field behind George B. Weatherbee School.

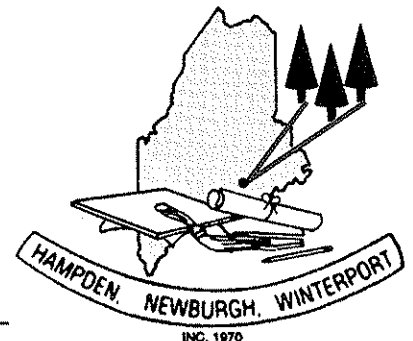
I hope your schedule allows you to attend this historic ceremony. An article outlining the event appeared in the most recent edition of the district's Link 22. If you did not receive a copy of the newspaper, it can be found on the district's website at www.sad22.us.

I hope to see you Wednesday, September 9, at 4:00 p.m.

Respectfully,



Richard A. Lyons
Superintendent



PRESS RELEASE
For Immediate Release

Municipal officials are pleased to announce that the **Town of Hampden** has received a **\$2,488** dividend check from the Maine Municipal Association as a result of its excellent claim experience and good risk management activities. The Maine Municipal Association offers three insurance related self-funded pools for municipal and quasi-public entities in Maine: the Workers Compensation Fund and the Unemployment Compensation Fund, both formed in 1978, and the Property & Casualty Pool formed in 1987. The programs are overseen by governing boards of elected and appointed municipal officials. Each year the boards review the programs' overall loss experience to determine if dividends may be paid. Patricia Kablitz, Director of Risk Management Services for MMA, advises that more than 90% of program participants have received dividends this year because of their good risk management practices. This year the three pools are returning in excess of **\$1.3 Million** to their members. Since 1997 more than **\$13.2 Million** of dividends have been delivered to participating members. For more information about any of the MMA Risk Management Services programs, including online training programs and other services, please check the offerings on their website at www.memun.org and click on the Risk Management Services link, or call 1-800-590-5583.



A-4-2

Fw: RE: DEMO

Monday, August 24, 2009 2:47 PM

From: "Light Lady" <lightlady_1@yahoo.com>
To: lightlady_1@yahoo.com

--- On **Mon, 8/24/09**, **Chip Swan** <hampdenpw@tds.net> wrote:

From: Chip Swan <hampdenpw@tds.net>
Subject: DEMO
To: "'Light Lady'" <lightlady_1@yahoo.com>
Date: Monday, August 24, 2009, 12:18 PM

WE had 958 visitors this weekend at the Transfer Station. 225 used the brush and demo for a 23% ratio. Chip

August 21, 2009

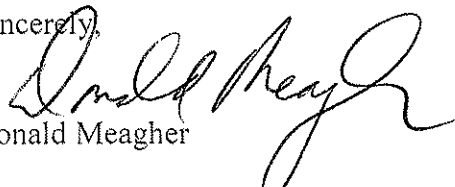
Susan Lessard
Town Manager
Municipal Building
106 Western Avenue
Hampden, ME 04444

Dear Susan:

The enclosed host fee payment of \$92,19.43 represents the period July 2009, during which 49.837 tons were disposed at PTL.

As always, please give me a call if you have any questions about the landfill.

Sincerely,


Donald Meagher

Enc: Host community benefit payment

Attach #1

C-3-a

REQUEST FOR PROPOSAL CONSULTANT SERVICES

Town of Hampden
106 Western Avenue
Hampden, Maine 04444

Proposals Due:

Background and Purpose

The Town of Hampden is requesting proposals from prospective consultants and/or agencies in regard to the development of a **Business Expansion and Retention Program (BEAR)**.

The BEAR program will be designed to support and improve the competitiveness of local businesses by identifying and addressing their needs and concerns and building on business development opportunities. This is crucial to the sustained viability of Hampden, since businesses that stay competitive and supported by their community are more likely to remain and expand in the community. In addition, a healthy business climate is a powerful tool in the attraction of new business development.

It is with this RFP Process and subsequent implementation of its findings and conclusions, Hampden seeks to create an ongoing cooperative effort between individual businesses, the Hampden Business Association, local government, agencies and other organizations and people in the community and region. Its purpose will be to identify opportunities and actions to assist local businesses in expansion, retain and create jobs, and diversify the local economic base through the implementation of defined actions to improve the local business climate.

Over the last decade, Hampden has demonstrated the will and ability to invest in economic development initiatives through the leadership of a contractual Economic Development Director and supporting Economic Development Advisory Committee comprised of Town Council appointed citizen volunteers. This investment (of leadership and resources) has resulted in the creation of a Business and Commerce Park which offers for sale pre-permitted lots and is strategically located along Route 202, and adjacent to interstate transportation corridor. Infrastructure has been completed in approximately half of the Business and Commerce Park site and is currently at about half capacity. The Business and Commerce Park is marketed by the community and also through Hampden's participation in and support of the Bangor Region Economic Development Alliance.

In 2007, Hampden diversified its development efforts with the creation of a Community and Economic Development Department and full time Director's position. It is this diversification, along with a broader focus on community in addition to economic development that necessitates the development of a Business Expansion and Retention Program.

Scope of Work

1. Develop baseline information and analysis of Hampden's current economic landscape through the use of personal interviews and direct business contacts.
2. Conduct an analysis of Hampden's business and economic strengths, weaknesses, opportunities and threats.
3. Identify business, industrial and commercial development opportunities.
4. Identify current barriers to business and commercial expansion and attraction; discuss the policies needed to overcome the barriers; and develop implementation strategies to address those barriers.
5. Prepare report and present the findings and conclusions of report to the Hampden Town Council and the business community.

In developing a Scope of Work, consideration should be given to the following Short-Term and Long-Term Community and Economic Development Department Objectives listed below:

Short-Term:

- Build relationships with existing businesses
- Demonstrate and provide community support of business
- Address urgent business concerns and issues
- Improve communication between the community and local business
- Retention of businesses and jobs where there is risk of closure

Long-Term:

- Increase the competitiveness of local business
- Job creation and new business development
- Establish and implement strategic actions for local economic development as developed through a BEAR program
- Strong viable local economy

Proposal Response Requirements

1. Firm or individual name, address, phone and contact person.
2. Letter of interest and approximately a 3-5 page narrative describing your company's approach to completing the scope of work of this RFP.
3. Knowledge, experience and capability to successfully perform the scope of work
4. Resumes of persons working on project.
5. Current workload. Availability to proceed with scope of work in a timely manner and to complete project within anticipated timeframe.
6. References.
7. Detailed project cost and analysis.
8. Project Timeframe.

Submission Procedures

Submit three (3) copies of your proposal no later than _____. Submitted proposals shall be enclosed in a sealed envelope clearly marked on the outside "Business Expansion and Retention Proposal" and addressed or delivered to:

Denise Hodsdon
Town Clerk
106 Western Avenue
Hampden, Maine 04444

For further information contact:

Dean L. Bennett
Community and Economic Development Director
106 Western Avenue
Hampden, Maine 04444
207-862-3034
dlbhampden@hotmail.com

Amcl #2

C-3-b



TO: Mayor Arnett and Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Zoning Text Amendment Institutional Building Definition
DATE: August 12, 2009

At the time Town Council amended the Residential B District height standards to accommodate the Hampden Academy project it was agreed that a definition of institutional building should be added to the Zoning Ordinance. Please find attached a draft of that definition.

TOWN OF HAMPDEN

Draft

The Town of Hampden Hereby Ordains
Proposed Amendments to the Zoning Ordinance

Deletions are ~~Strikethrough~~ Additions Double Underlined

ARTICLE 7 DEFINITIONS

7.1. Construction Language - In this Ordinance, certain terms or words shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied", the word "building" includes the word "structure" and the word "dwelling" includes the word "residence", the word "lot" includes the words "plot" or "parcel". In case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

Terms not defined shall have the customary dictionary meaning.

7.2. Definitions - In this Ordinance the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

Institutional building: A building or group of buildings used to provide a public service and operated by a Federal, State or local government, public or private utility, public or private school or college, tax-exempt organization, and/or a place of religious assembly. Examples include: public agency, public safety and emergency services, essential and utility services, cultural, service and religious facilities, public/private health facilities or other similar uses.

Attach #3

A-3-C



TO: Mayor Arnett and Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Draft Zoning Ordinance Text Amendments for Conditional Uses in the Commercial Service District.
DATE: August 17, 2009

This draft zoning ordinance text amendment would make possible a wide range of additional water dependent uses in the Commercial Service District along the Penobscot River.

TOWN OF HAMPDEN
Draft

The Town of Hampden Hereby Ordains
Proposed Amendments to the Zoning Ordinance

Deletions are ~~Strikethrough~~ Additions Double Underlined

3.3. Commercial Service District

3.3.1. Purpose - This district is intended for the location of heavy commercial uses, wholesale uses, office buildings, automotive type of uses such as sales and service, convenience stores and commercial service type of uses. In general this area is devoted to service or wholesale uses.

3.3.2. Permitted Uses (Subject to Site Plan Review) - Any retail or service business, hotel and motels, business or professional offices, take-out restaurant, small restaurant, sit-down restaurant, automobile service, place of assembly, outdoor recreation and accessory uses or structures. Essential service and buildings for essential service, single family dwellings in existence on the date of this amendment. (*Amended 12-6-04*)

3.3.3. Conditional Uses (Subject to Site Plan Review) – Fast-food restaurant, outdoor dining restaurant, tavern, bar, dance hall, commercial school, drive-thru business, wholesale distribution, truck terminal, light industrial operations (but not including excavation, gravel pit and quarry activities) which do not exceed 10,000 square feet, such as warehousing assembly or fabrication. Water-dependent commercial and industrial uses, including boat building, along the Penobscot River. Any establishment which provides in excess of 5,000 square feet of outdoor display or storage of goods or equipment. Stockpiles (subject to Article 4.9) not accessory to excavation, gravel pit and quarry activities. (*Amended 4-7-03, 12-6-04, 12-17-07*)

3.3.4. Lot Dimensions

Minimum Lot Area	-	20,000 sq. ft.
Minimum Road Frontage	-	100 feet
Minimum Setbacks:		
Street Yard	-	40 feet
Other Yards	-	30 feet
Maximum Ground Coverage	-	25 percent
Maximum Building Height	-	35 feet

3.3.5. Special District Regulations

1. Where a commercial or industrial use abuts any residential use or residential district, the other yard setback shall be double where it abuts the residential property.
2. Notwithstanding the above height regulations structures not intended to be occupied may be constructed up to 50 feet in height when treated as a conditional use.

3. Notwithstanding other requirements in this section any structure which requires access to rail service shall not be required to setback from the railroad siding. *(Amended 8-17-92, 10-4-93)*
4. Fast-food restaurant use shall be located on a lot having a minimum lot size of 1.5 acres, minimum frontage of 200 feet and no part of the vehicle queue shall be located within 100 feet of a residential structure. *(Amended 12-6-04)*
5. Sale or consumption of alcoholic beverages is prohibited for outdoor dining restaurant uses in conjunction with take-out restaurants and fast-food restaurants. *(Amended 12-6-04)*
6. Outdoor dining areas proposed for outdoor dining restaurant uses shall be clearly delineated on a site plan including barriers required under M.R.S.A. *Title 28-A*. Outdoor dining restaurant uses proposing outdoor consumption of alcoholic beverages shall comply with M.R.S.A. *Title 28-A: LIQUORS §1051. Licenses generally* which requires that outside areas be controlled by barriers and by signs prohibiting consumption beyond the barriers. *(Amended 12-6-04)*
7. Notwithstanding the above height regulations buildings for water-dependent commercial and industrial uses, including boat building, along the Penobscot River are not subject to the building standard in Article 3.3.4 when treated as a conditional use.

Goodwill Riders Snowmobile Club
844 Western Ave.
Hampden, ME
04444

To: Hampden Town Council

From: Steve Eyles

Proposal; Change ITS 82 Snowmobile Trail for the 2009-2010 season from Club Trail to Municipal Trail – Partner with Newport, Hermon and Winterport.

Objective: Increase funding from Bureau of Park and Lands.
The increased funding will enable Goodwill Riders SC to repair bridge crossing at Souadabscook Stream, Clear brush, and defray the costs of trail grooming expenses and repairs on this portion of the Hampden trail system



INFORMATION AND GUIDELINES

MUNICIPAL/COUNTY GRANT-IN-AID PROGRAM

2009-2010

RE: Administration of Grants-In-Aid to Municipalities & Counties for Snowmobile Trails and Facilities, M.R.S.A., Title 12, Chapter 220, Subchapter 8, §1893-3.

PLEASE READ!!!!

Enclosed is a packet that explains the Bureau of Parks & Lands Municipal and County Grants-In-Aid Program for snowmobile trail development and maintenance. Under the terms of the municipal grant, the State can cost share up to, but not exceed, 50% when the trail system is solely within the municipal or town boundaries. In the event that two or more municipalities or counties work together in developing and administering a trail system, or when a municipality or county assumes responsibility for a trail system that extends beyond its boundaries and the trail system is determined by the director of the ORV Division to be of regional significance and contributes to the overall objective of developing a high quality main artery trail connecting one community with another, the project may be considered for up to 70% State assistance if adequate funds are available. All trail project descriptions will require approval by the Bureau which will determine the appropriate State share. The approved percentage may change annually, depending on funds available to the Bureau.

All applications for winter trail grooming assistance during the 2009-2010 snowmobile season must be submitted to the Bureau of Parks & Lands no later than **December 1, 2009**. In the event that an application is being submitted for trail development, it must be submitted prior to November 1, 2009. Trail development consists of major new trail development or creating **NEW** bridges, that never existed in the past.

The enclosed package includes a sample Project Certification, Project Description, worksheets, proof of payment, and Reimbursement Request forms. This packet also includes a land use permit form, which may be used to obtain authorization to cross public or private property. This form will meet the Bureau's requirements when requesting assistance.

I. PROCEDURES FOR APPLYING FOR A GRANT

The following materials must be submitted when requesting assistance for a municipal snowmobile trail project. All materials must be originals, with original signatures, except the map showing the project location.

- A. **Project Certification** - This must be typed on municipal letterhead, using the enclosed sample as a guide. Insert the proper wording that applies to your community wherever indicated by **BOLD PRINT IN PARENTHESIS** on the sample. The certification must be signed by the appropriate municipal or county officers (Example: selectmen, town or city council member, etc.). This will demonstrate that the Legislative body of the municipality/county approves the proposed project and the request for financial assistance. A snowmobile club is not that body.
- B. **Project Description** - A detailed description of the proposed project must be submitted before project funding can be considered. The description must include **ALL** work to be funded, including the type and cost of necessary equipment, the personnel required and resources available for the project. It must also include a breakdown of the material costs, estimated number of hours for labor and equipment and the hourly rate to be paid. If the winter grooming phase of the project is to be contracted, the contract should specify the responsibilities of the contractor, the method of payment including the maximum amount and a copy forwarded to this office. We recommend an hourly rate for contracts and services. The construction of bridges and other work adjacent to waterways require written permits from or notification to the Land Use Regulation Commission or the Department of Environmental Protection depending on the location and the landowner. Copies of these notices or permits are required, if state-funding assistance is sought.
- C. **Map** - A detailed map of the proposed snowmobile trail project must be submitted. The map should be a topographical map or copy of equal quality. The map must show the proposed trail, water crossings, available parking lots, the relationship with existing trails in surrounding areas and the number of miles in the project. If the map on file with the state in last year's project is used, authorization to transfer the map to this year's project must be clearly stated IN WRITING on the Project Description (see sample). Club and Municipal trail on the same map is ok, but they must be different colors or type.
 1. **Landowner Permission** - If the request for financial assistance is strictly for winter grooming, a written statement must accompany the request for assistance certifying that all landowners over whose land the trail passes have been contacted and have granted permission (**this may be a part of the Project Description - see sample**). In the event that the application is requesting financial assistance for development, or use of heavy equipment, such as bulldozers/escavators, landowner permission must be in writing for the entire area to be developed or repaired.
 2. **Application** - The application must be completely filled out and signed by the person given the authority to sign it in the first paragraph of the Project Certification.
 - a. The estimated costs specified on the application may include administrative costs incurred in obtaining land use permits, but cannot include a "land use fee", if one is paid or lobster dinners for landowners.

b. The cost may include the actual development of new trail such as clearing a new trail and construction of new bridges. Most new development today is unlikely, with over 13,000 miles of trail, we have enough.

c. The maintenance of facilities such as plowing parking lots open to the public for snowmobile trail access may be an eligible expense.

d. Cost of maintenance of existing trail including winter grooming of the trail, erection of trail signs and cutting brush is also eligible for state aid.

3. **Agreement** - The original, signed Agreement should be sent with the application, but may be held until notification of approval of the application by the Bureau. It saves time to submit the signed agreement with the application. One fully executed copy of the agreement will be returned to the Project Director.

II. **REIMBURSEMENT**

A request for reimbursement may be submitted on a monthly basis or at the end of the season, whichever suits the municipality. It may be advantageous to the municipality if the requests are submitted monthly, because they will not need to have funding for the entire approved project. (This is a reimbursement for expenditures made, for example, the Bureau funds a \$5,000 project up to \$3,500). Bills submitted monthly for \$1,000 will, for example, keep reimbursement funds flowing back to the municipality each month. **THE FINAL TRAIL MAINTENANCE REIMBURSEMENT REQUEST MUST BE SUBMITTED NO LATER THAN MAY 30TH** of the year in which the project was carried out. Reimbursement requests that are POSTMARKED after May 30th will not be accepted. Items not approved by the Bureau on the Project Description or by an amendment will not be reimbursed. The method of filing for reimbursement is as follows:

- A. Submit one completed copy of the Request for Reimbursement form. The reimbursement request must be signed by the person the town gave the authority to submit the application requesting financial assistance (See Project Certification/ Paragraph 1). (A sample is provided in the packet for your reference.)
- B. Submit copies of all receipts substantiating payment of expenditures reported, or a copy of the town warrant on which the payment was made, or an invoice marked "paid." (See enclosed sample). Worksheets are not considered invoices or receipts.
- C. The worksheets provided by the Bureau must be used by the project director and trail crews as work is performed or purchases made. A copy of the worksheet must be completely filled out and forwarded to the Bureau with the reimbursement request. The worksheet briefly describes where the work was done by site location or trail number, date of work, and the number of hours the work was performed per day. Do not lump time on one line for the month or season.
- D. Upon receipt of the reimbursement request, the Director of the Snowmobile Program, Bureau of Parks & Lands, will review the request to ensure compliance with the terms of the approved project description. Reimbursement will be made on the basis of the previously approved cost share percentage for the work performed between the dates covered by the reimbursement request. All expenses incurred during the period covered should be included on the appropriate request for reimbursement and not carried over to a later request.

III. SNOWMOBILE TRAIL DESIGN AND CONSTRUCTION GUIDELINES

A. Recommended Trail Guidelines

1. Snowmobile Trails:

- a. If "one-way" trail designation, the minimum trail width should be 6 feet, unless where specifically restricted by landowners or authorized by the Bureau.
 - b. If "two-way" trail designation, the minimum trail width should be 8 feet, unless specifically restricted by landowners or authorized by the Bureau.
 - c. Brush should be cleared from an area 1 foot beyond the edge of the trail.
 - d. The minimum turning radius for a one-way trail is 20 feet; for a two-way trail, 30 feet.
 - e. Branches, limbs and brush should be cleared to a height of 8 feet above the trail.
 - f. Sustained grades and slopes should not exceed 20%.
 - g. All signs should be those provided by the Bureau or of the same design as those provided by the Bureau of Parks & Lands. Since we provide signs at no charge, reimbursements for sign purchases are not allowed.
2. Snow banks at road crossings should be cut back to provide adequate visibility in both directions. Snowbanks should be kept low at trail crossing points to permit easy exit and entrance to the trail. Warning signs should be installed on the trail at a sufficient distance from the road crossing to allow snowmobilers to stop. Maine Department of Transportation warning signs should be installed on controlled access highways and major interstate highways to warn motorists of the snowmobile trail crossing. Requests for crossing signs along the highway will follow the policy established by the Department of Transportation. The applications are available at the Bureau's Snowmobile Program office.
3. When approaching or leaving a slope or grade, the trail should be straight for a sufficient distance to permit a safe transition.
4. The topography and characteristics of the trail should be of a varied nature to hold the user's interest and to create a reasonable degree of challenge.
5. It is extremely important to maintain the trail for the use and enjoyment of the user. Periodic grooming is needed to eliminate moguls. It is recommended that heavily used trails be groomed as soon as possible after each new snowfall. It is of the utmost importance that a snow base be established as early as possible in the season. Once a base is established, it is much easier to maintain a smooth trail. It may be impossible to have a regular maintenance schedule and abide by it. The frequency of grooming will depend on the amount of snowfall and snowmobile traffic on each particular trail each day. During the peak of the use season (mid January to mid March), nighttime grooming is much more effective because of the reduced traffic and air temperatures at night.
6. Snowmobile trails should not be routed over lakes, streams or other bodies of frozen water. If stream or river crossings are necessary, provide bridges at least 5 feet wide

or wider if large grooming equipment is to be used. Permits or notifications may be required by LURC (287-2631) or DEP (287-2111) to build bridges on navigable streams.

7. Trails should not be routed along steep side slopes.
8. Trails should be laid out so they avoid conflicting uses or any areas of potential conflict such as tree plantations, nurseries, conflicting uses or other areas where trail development or use might cause damage. If you have further questions, please contact:

Department of Conservation
Parks & Lands, ORV Division
22 State House Station
Augusta, Maine 04333-0022

Tel: 287-4957 or
1-800-462-1019

Town of Hampden, Maine

Community Service

Project Certification

This is to certify that the **Town of Hampden** has authorized and hereby authorize **Goodwill Riders Snowmobile Club** to make application for financial assistance under the provisions of Bureau of Parks and Lands Snowmobile Trail Fund (M.R.S.A. Title 12, Chapter 220, Subchapter 8, 1893-3) for maintenance of the **Town of Hampden** snowmobile trail system (ITS 82).

This further Certifies that the **Town of Hampden** is familiar with the terms and conditions of the Grant-In-Aid Program administered by the Bureau of Parks and Lands from the Snowmobile Trail Fund and has authorized **Goodwill Riders Snowmobile Club** to enter into said agreement between the **Town of Hampden** and the State of Maine upon approval of the above identified project by the Bureau of Parks and Lands.

This further certifies that the **Town of Hampden** has been legally constituted and is responsible for planning for and carrying out the municipal recreation program and that **Goodwill Riders Snowmobile Club** will be responsible, on behalf of the **Town of Hampden**, for the continued operation and maintenance of the completed project in accordance with the terms and conditions of the Snowmobile Trail Fund Grand-In Aid Program. Attached is true and correct information relating to the establishment and organization of the municipal agency or department.

And this further certifies that except for the financial assistance requested by this project application, no other financial assistance has been applied for given or promised under other State or Federal programs.

Date

Name of Municipality

Date

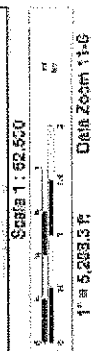
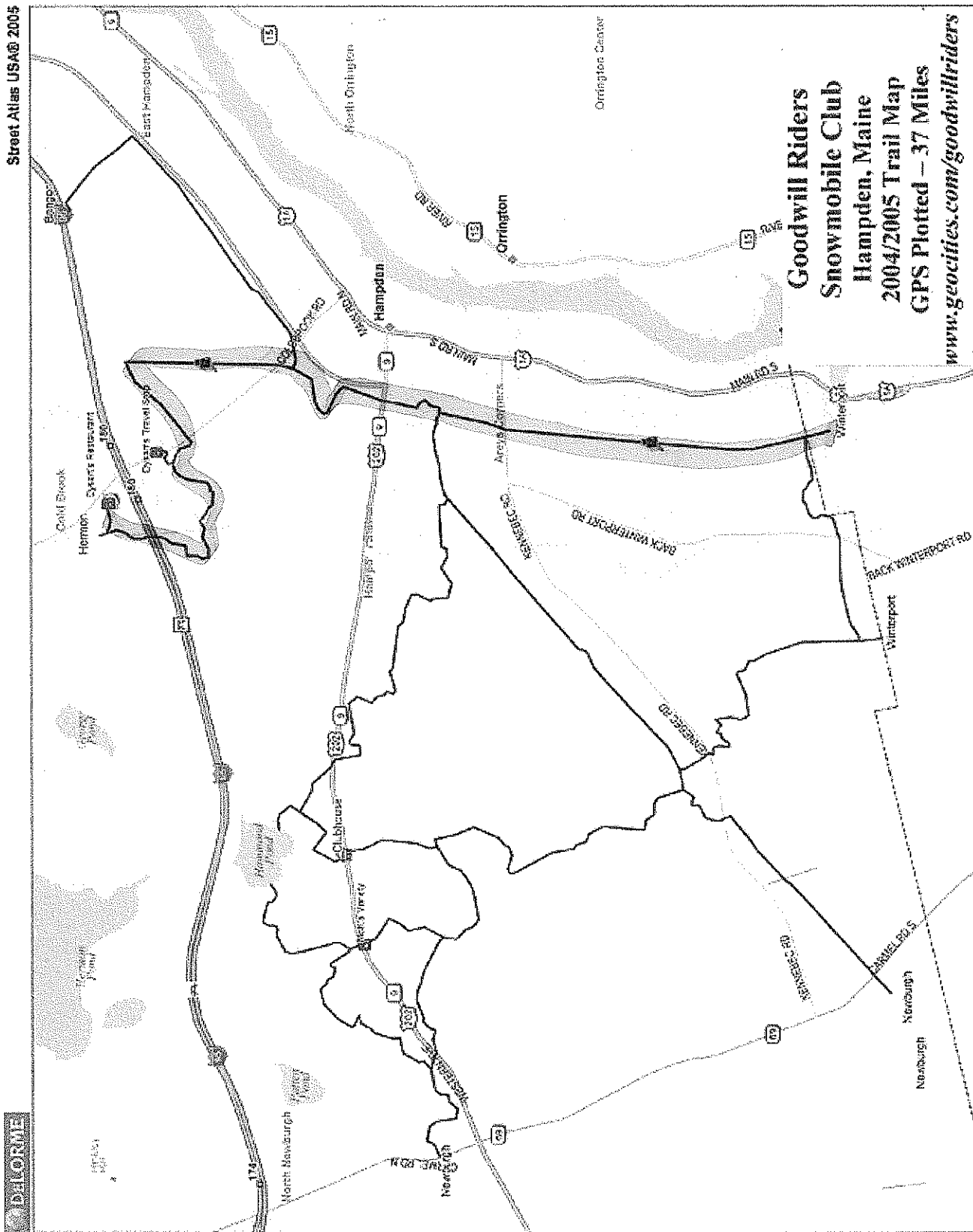
Town Manager

Date

Town Councilor

Date

Town Councilor



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C-4-b

TOWN OF HAMPDEN
TOWN CLERK'S OFFICE

COMMENTS ON:

Date of Council Action: 9/8/09

Public Hearing: Yes No X

- ☐ Application for Liquor License
- ☐ Application for Victualer's License
- ☐ Application for Off-premises Catering
- ☒ Application for Outdoor Wood-burning Furnace License

NAME: Patrick Audet
Business Name Individual

ADDRESS: 381 Main Rd. North PHONE: 942-7156

MAP/LOT: 25/5-B DATE: 8/17/09

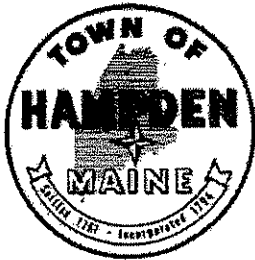
DEPARTMENT REPORT:

Inspected 8/17/09. Found unit in same location
and configuration as previous years. No issues were
observed.

DATE: 8/17/09

BY: [Signature]
Title: CODE ENFORCEMENT OFFICER

BY: [Signature]
Title: Fire/Building Inspector



TOWN OF HAMPDEN

OUTDOOR WOOD-FIRED BOILER ANNUAL LICENSE APPLICATION

INSPECTION REQUIRED

Application Date: 8/17/09

Property Information:

Property Owner's Name: Patrick Audet Phone #: 942-7156

Street Number: 381 Street Name: Main Rd. North

Mailing Address: Same

Zoning District: Residential A (not permitted in Resource Protection District)

Lot Size: 3.51 ☒ Acres ☐ Square Feet (3 acre min. lot size)

Outdoor Wood-fired Boiler Setback to Nearest Property Line: 142 feet (150 ft. min.)

Distance to Nearest Residential Structure: 172 feet (200 ft. min.)

Assessor's Tax Map: 25 and Lot: 5-B

1. Please complete plot plan (see other side) drawn to scale showing the location of the outdoor wood-fired boiler in relation to property lines and existing structures.
2. Please include installation instructions provided by Manufacturer.

- ☐ I have received a copy of the *Town of Hampden Fire Prevention Code*
→ Outdoor wood-fired boilers in place as of the effective date of this ordinance need not obtain the permit required by section F-308.3.1 of said ordinance.
- ☐ I have received a copy of the *Town of Hampden Outdoor Wood-Fired Boiler Annual Licensing Ordinance*
→ Outdoor wood-fired boilers in place as of the effective date of this ordinance need not comply with sections 4.2, 4.3, and 4.4 except that the units shall not be made any more non-conforming.
- ☐ I have received a copy of DEP *Chapter 150: Control of Emissions From Outdoor Wood Boilers*
QUESTIONS PLEASE CALL DEP: 287-2437

I hereby agree to operate my outdoor wood-fired boiler in accordance with the *Town of Hampden Fire Prevention Code* and the *Town of Hampden Outdoor Wood-Fired Boiler Annual Licensing Ordinance*. I also acknowledge my responsibility to renew my license annually.

Owner Signature: _____

Date: 17 AUG 09

Hampden Town Council Action: ☐ Approved ☐ Denied

Date: _____

Town Clerk Signature: _____ Date: _____

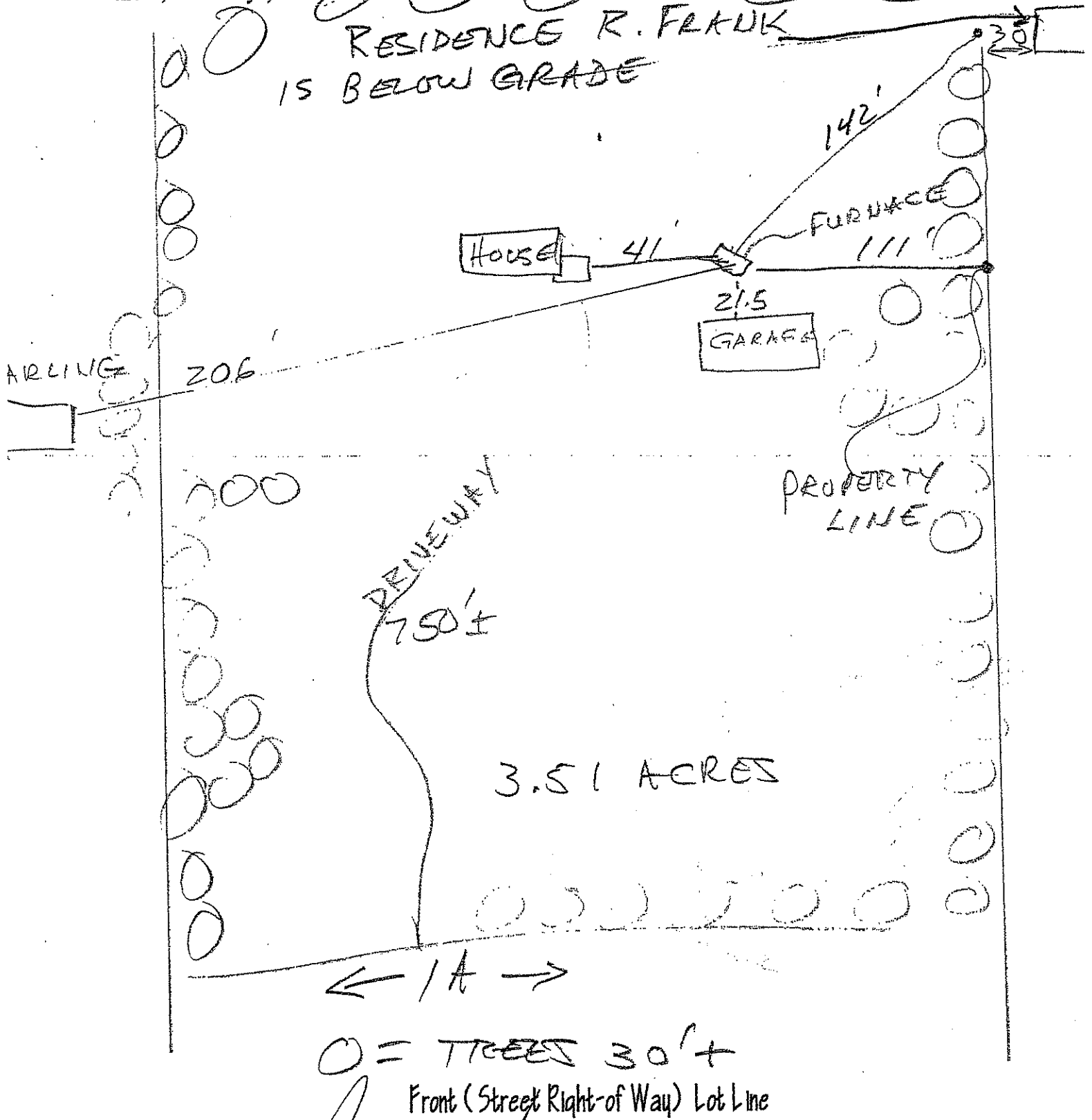
****This License Expires:*** _____

Date

Plot Plan

Please be as detailed as possible. Include all existing and proposed structures, wells, septic areas, driveways, etc. Also include setbacks of structures from each other and property lines.

RESIDENCE R. FRANK
IS BELOW GRADE



I HEREBY ATTEST THAT THE ABOVE DRAWING AND DIMENSIONS ARE CORRECT TO THE BEST OF MY KNOWLEDGE.

Signature of Applicant

date

10-1-08

Signature of Owner

date



C-4-C

TOWN OF HAMPDEN
TOWN CLERK'S OFFICE

COMMENTS ON:

Date of Council Action: 9/8/09

Public Hearing: Yes _____ No X

- ☒ Application for Liquor License
☐ Application for Victualer's License
☐ Application for Off-premises Catering
☐ Application for Outdoor Wood-burning Furnace License

NAME: Bangor Tennis & Recreation Club Dean Armstrong
Business Name Individual

ADDRESS: 60 Mecaw Rd. PHONE: 942-4836

MAP/LOT: _____ DATE: 8/31/09

DEPARTMENT REPORT:

No concerns

DATE: 09/02/09 BY: [Signature]
Title: Public Safety Director
BY: _____
Title: _____

Bangor Tennis & Recreation Club
PO Box 175
Bangor, ME 04402

8/31/09

Please waive the
public hearing for
Bangor Tennis

Thank You

A handwritten signature in dark ink, appearing to read "David A. Armstrong". The signature is stylized with a large, sweeping loop at the end.

**Department of Public Safety
Division**

Liquor Licensing & Inspection

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.



BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

PRESENT LICENSE EXPIRES 10-10-09

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☐ SPIRITUOUS ☐ VINOUS

INDICATE TYPE OF LICENSE:

☐ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTINONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☒ OTHER: TENNIS CLUB

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) -(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>BANGOR TENNIS & RECREATION CLUB INC</u>			2. Business Name (D/B/A)		
DOB:					
DOB:			Location (Street Address) <u>60 MECAN ROAD</u>		
Address <u>PO BOX 175</u>			City/Town <u>HAMPDEN</u>	State <u>ME</u>	Zip Code <u>04444</u>
			Mailing Address <u>PO BOX 175</u>		
City/Town <u>BANGOR</u>	State <u>ME</u>	Zip Code <u>04402-0175</u>	City/Town <u>BANGOR</u>	State <u>ME</u>	Zip Code <u>04402-0175</u>
Telephone Number <u>207-942-4836</u>		Fax Number	Business Telephone Number <u>207-942-4836</u>		Fax Number
Federal ID. # <u>01-0376232</u>			Seller Certificate # <u>186516</u>		

3. If premises are a hotel, indicate number of rooms available for transient guests: _____
4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ APPROX 4500.00 LIQUOR \$ APPROX 3000.00
5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

complete Supplementary Questionnaire ,If YES

6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

7. If manager is to be employed, give name: DEAN ARMSTRONG

8. If business is NEW or under new ownership, indicate starting date: _____

Requested inspection date: _____ Business hours: _____

9. Business records are located at: 60 MECAN ROAD HAMPDEN MAINE

10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

11. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
DEAN ARMSTRONG	6/23/35	WATERVILLE ME

Residence address on all of the above for previous 5 years (Limit answer to city & state)

BANGOR MAINE

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐

16. Does/do applicant(s) own the premises? Yes ☒ No ☐ If No give name and address of owner: _____

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) STEEL BUILDING WITH 4 TENNIS COURTS, SHOWERS/BATHROOMS/LOUNGE AREA & PRO SHOP

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services? YES ☒ NO ☐ Applied for: _____

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? APPROX 2 Which of the above is nearest? CHURCH

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: MORTGAGE THROUGH MERRILL BANK

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: BANGOR MAINE on 15 TH AUGUST, 20 09
Town/City, State Date

Signature of Applicant or Corporate Officer(s)

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

SUZANNE NICHOLS

STATE OF MAINE

Dated at: Hampden, Maine Penobscot ss
City/Town (County)
 On: 9/8/2009
Date

The undersigned being: ☒ Municipal Officers ☐ County Commissioners of the
☐ City ☒ Town ☐ Plantation ☐ Unincorporated Place of: Hampden, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
 - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
 - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
 - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
 - A. Conviction of the applicant of any Class A, Class B or Class C crime: [1987, c.45, Pt.A§4 (new).]
 - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
 - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
 - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
 - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
 - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]

[1993, c.730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
 - A. [1993, c.730, §27 (rp).]
4. **No license to person who moved to obtain a license. (REPEALED)**
5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

PREMISE DIAGRAM

